

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**BERLINDA S. ENCINIAS,
Plaintiff,**

vs.

No. 16-cv-0232 SMV

**NANCY A. BERRYHILL,
Acting Commissioner of the Social Security
Administration,
Defendant.**

ORDER

The matter coming before the Court on Defendant's Unopposed Motion for Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g), filed February 10, 2017; the Court having reviewed said motion and being otherwise fully advised in the premises, FINDS that Plaintiff does not oppose said motion; and FURTHER FINDS that said motion is well-taken and should be granted.

IT IS THEREFORE ORDERED as follows:

1. Defendant's Unopposed Motion for Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g), filed February 10, 2017 is hereby granted,

2. The conclusion of the Commissioner through the Administrative Law Judge that plaintiff was not disabled is reversed;

3. Upon remand, the Appeals Council will instruct the ALJ to conduct a new hearing and issue a de novo decision on all issues. Additionally, the Appeals Council will direct the ALJ to weigh all medical opinions, and provide an explanation for her assignation of weight to each of those medical opinions.

4. This matter is remanded to the Commissioner for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g);

5. Judgment shall enter in favor of plaintiff against defendant in accordance with Fed. R. Civ. P. 58 and consistent with the decision of the United States Supreme Court in *Shalala v. Schaefer*, 509 U.S. 292, 296-302 (1993).

SIGNED February 10, 2017.



Stephan M. Vidmar
United States Magistrate Judge

APPROVED AS TO FORM:

Electronically approved on 2/10/17
Ronald G. Harris, Attorney for Plaintiff

Proposed order submitted by:
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